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COMMISSION  
875 SEVENTH STREET NW WASHINGTON, DC 20004  
T 202.344.4000 F 202.344.8300 www.Venable.com

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June 21, 2016

CEFA  
Lawrence H. Norton  
T 202.344.4541  
F 202.344.8300  
lhnorton@fcc.gov

**VIA ELECTRONIC MAIL**

Federal Election Commission  
Office of Complaints Examination  
and Legal Administration  
999 E Street, NW  
Washington, DC 20436

Attention: Jeff S. Jordan, Assistant General Counsel, Complaints Examination & Legal  
Administration ([jjordan@fcc.gov](mailto:jjordan@fcc.gov))  
Mary Beth deBeau, Paralegal ([mdebeau@fcc.gov](mailto:mdebeau@fcc.gov))

Re: MUR 7072

Dear Mr. Jordan and Ms. deBeau:

As you know, we represent Mr. Babulal Bera and Mrs. Kanta Bera. On June 15, 2016, we filed a Statement of Designation of Counsel and a Request for Extension of Time to file a response in the above-captioned MUR. Mr. Jordan subsequently left a voice mail message for Mr. Powers, but did not indicate the reason for his call. While we tried repeatedly to reach Mr. Jordan over the last week, we have not yet had an opportunity to speak with him. Given the importance of the issue raised in this letter, we thought it best to contact you through formal correspondence.

This letter does not constitute a response to the complaint under 52 U.S.C. §30109, and we expressly reserve our right to do so, if necessary. Rather, we write to notify the Office of General Counsel (OGC) that the complaint in MUR 7072 is legally deficient because it lacks the complainant's address, and therefore no action should be taken on it. Section 111.4(b) of the Commission's regulations requires that a Complaint "shall provide the full name and address of the complainant" (emphasis added). These requirements are reiterated in the Commission's brochure regarding filing a complaint, as well as in the OGC Enforcement Manual.<sup>1</sup> When a complaint fails to provide such information, OGC is required to notify the complainant and the persons identified as respondents that no action shall be taken on the basis of the complaint.

<sup>1</sup> See Federal Election Commission, *Filing a Complaint*, (June 2008), available at <http://www.fcc.gov/pages/brochures/complaint.shtml>; see also Memorandum from Anthony Herman, General Counsel, to the Federal Election Commission, re: OGC Enforcement Manual (June 26, 2013), available at [http://www.fcc.gov/engendat2013/mtgdoc\\_13-21-b.pdf](http://www.fcc.gov/engendat2013/mtgdoc_13-21-b.pdf).

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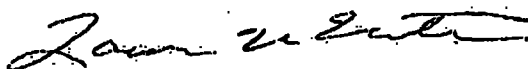
11 C.F.R. § 111.5(b). Indeed, as the Commission has recognized, any action by the Commission on such a deficient complaint would be improper.<sup>2</sup>

In addition, it would violate principles of fairness and due process to compel our clients to submit a written response to a complaint without basic information about the identity of the person who has asserted claims against them.

Accordingly we request that the Office of General Counsel rescind its prior notice of the Complaint in MUR 7072 and issue forthwith notice to the complainant and named respondents that no action will be taken on the complaint.

Thank you for your attention to this matter. Please contact either of us if you have any questions.

Respectfully submitted,



Lawrence H. Norton  
William A. Powers

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<sup>2</sup> See 45 Fed. Reg. 15,080, 15,088 (Mar. 7, 1980) ("Subsection(b) [of 111.4] sets forth the statutory requirements with which a complaint must comply in order for the Commission to act upon it. A complaint is improper if it does not comply with this subsection, and shall not be acted upon by the Commission.").